

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- x    **No. 23-CV-3825**  
MALIK MCCAIN,

Plaintiff,

**NOTICE OF REMOVAL**

-against-

THE CITY OF NEW YORK; METROPOLITAN  
TRANSPORTATION AUTHORITY; OFFICER JOHN  
DOE; OFFICER JANE DOE; WAILOK WONG, SHIELD  
NO. 12002; JASON F. FARRELL, SHIELD NO. 19867,

Defendants,

-----x

**EXHIBIT E**  
**Consent to Removal from Defendant City of New York**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- x No. 23-CV-\_\_\_\_\_  
MALIK MCCAIN,

Plaintiff,

**CONSENT TO REMOVAL  
BY CITY OF NEW YORK**

-against-

THE CITY OF NEW YORK; METROPOLITAN  
TRANSPORTATION AUTHORITY; OFFICER JOHN  
DOE; OFFICER JANE DOE; WAILOK WONG, SHIELD  
NO. 12002; JASON F. FARRELL, SHIELD NO. 19867,


Defendants,  
-----x

Defendant The City of New York, by its attorney, Corporation Counsel, hereby serves notice that it consents to the removal of this action—originally filed in New York Supreme Court, County of Queens, and styled as *Malik McCain v. The City of New York; Metropolitan Transportation Authority; Officer John Doe; Officer Jane Doe; Wailong Wong, Shield No. 12002; Jason F. Farrell, Shield No. 19867*, Index Number 708237/2023—to the United States District Court for the Eastern District of New York based upon this court having original jurisdiction over the matter within the meaning of 28 U.S.C. Section 1331. By consenting to removal, The City of New York does not waive any affirmative defenses that may be available to it, including but not limited to lack of personal jurisdiction or improper service.

Dated: New York, New York  
May 17, 2023

Respectfully submitted,

HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel of the City of New  
York

By:   
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York*